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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,070	11/28/2000	Jerry W. Noles, Jr.		5009
7590 03/29/2005			EXAMINER	
Anthony F. Matheny			KOPEC, MARK T	
Andrews & Kurth L.L.P. 600 Travis, Suite 4200 Houston, TX 77002			ART UNIT	PAPER NUMBER
			1751	
			DATE MAILED: 03/29/2009	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/724,070	NOLES, JR., JERRY W.
Office Action Summary	Examiner	Art Unit
	Mark Kopec	1751
The MAILING DATE of this communicatio Period for Reply	n appears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI  - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days.  If NO period for reply is specified above, the maximum statutory in Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON.  FR 1.136(a). In no event, however, may a on.  , a reply within the statutory minimum of thi period will apply and will expire SIX (6) MOI statute, cause the application to become A	reply be timely filed  rty (30) days will be considered timely.  NTHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).
Status		
<ol> <li>Responsive to communication(s) filed on</li> <li>This action is FINAL.</li> <li>Since this application is in condition for all closed in accordance with the practice un</li> </ol>	This action is non-final.  Iowance except for formal mat	
Disposition of Claims	•	
4) Claim(s) 1-20 is/are pending in the applic 4a) Of the above claim(s) 12-20 is/are with 5) Claim(s) is/are allowed. 6) Claim(s) 1-11 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction at a subject to	and/or election requirement.  aminer.  accepted or b) objected to the drawing(s) be held in abeya correction is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:  1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International B * See the attached detailed Office action for	ments have been received. ments have been received in a e priority documents have been sureau (PCT Rule 17.2(a)).	Application No n received in this National Stage
Attachment(s)	<del></del>	O(DTO 440)
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-94)</li> </ol>		Summary (PTO-413) (s)/Mail Date
3) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date		Informal Patent Application (PTO-152)  ——.

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Art Unit: 1751

This action is responsive to applicant's amendments/remarks filed 12/28/04. Claims 1-20 are currently pending with claims 12-20 withdrawn from consideration.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The examiner fails to find support for the amended terminology "...a pressure containment production tubular".

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The prior art rejection over Lowther is withdrawn in view of applicant's remarks.

Art Unit: 1751

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 145,266.

This rejection is maintained for the reasons set forth in the Rejection mailed 9/22/04, pages 5-6.

Claims 5-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 145,266.

This rejection is maintained for the reasons set forth in the Rejection mailed 9/22/04, page 6.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hughes et al (5,092,265).

This rejection is maintained for the reasons set forth in the Rejection mailed 9/22/04, pages 6-8

Claims 5-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al.

This rejection is maintained for the reasons set forth in the Rejection mailed 9/22/04, pages 8-9.

Applicant's arguments filed 12/28/04 have been fully considered but they are not persuasive.

Applicant's discussion of the present invention and the patentability standards at pages 9-10 of the response is noted.

Art Unit: 1751

With respect to the remaining prior art rejections, applicant asserts that the references do not disclose or suggest pressure containment conduits or production tubulars (page 11 of the response).

The examiner does not dispute that the references fail to disclose or suggest the claimed use "for applying a multicomponent liquid liner composition to the inner surface of a pressure containment production tubular". However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and In re Otto, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). examiner respectfully maintains that the systems disclosed in the above references, while not disclosing applicant's claimed use, are capable of performing such. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535

Art Unit: 1751

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the

Art Unit: 1751

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Kopec Primary Examiner

Art Unit 1751

Page 6

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March 21, 2005